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*Attorneys for Plaintiff Blendtec Inc.*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**BLENDTEC INC.**, a Utah corporation,

Plaintiff,

vs.

**BLENDJET INC.**, a Delaware corporation,

Defendant.

**PLAINTIFF BLENDTEC'S NOTICE  
OF WITHDRAWAL OF ECF 50-3  
(REDACTED VERSION OF EXHIBIT  
3 TO BLENDTEC'S DISCOVERY  
MOTION)**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell  
Magistrate Judge Dustin B. Pead

On January 6, 2023, Plaintiff Blendtec filed a Short Form Discovery Motion related to Defendant Blendjet's Responses to Blendtec's First Set of Discovery Requests ("Discovery Motion"). Attached as Exhibit 3 to the Discovery Motion is a redacted copy of Blendtec's written notice of deficiencies to Blendjet (filed as ECF No. 50-3).<sup>1</sup> Blendtec redacted from ECF 50-3 text

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<sup>1</sup> Blendtec filed under seal an unredacted copy of Exhibit 3 as ECF No. 52-2.

that Blendjet designated as Attorneys Eyes Only (“AEO”). Blendtec inadvertently did not redact limited information related to an entity from Exhibit 3, however, because it was not clear to Blendtec that Blendjet was taking the position that this limited information was AEO.

On January 9, 2023, Blendjet notified Blendtec of the inadvertent filing of information related to that entity which Blendjet considers to be AEO and requested that Blendtec withdraw ECF 50-3. Further, although the majority of Exhibit 3 has not been designated as Confidential or AEO, Blendjet requested that the entire document be filed under seal. Blendtec has already filed an unredacted copy of Exhibit 3 under seal as ECF 52-2, however, so there is no need to file another unredacted version under seal.

As a result, Blendtec is hereby withdrawing ECF 50-3. Pursuant to Blendjet’s request, it will not publicly file another redacted version of Exhibit 3. Blendtec directs the Court to ECF 52-2 for the unredacted version of Exhibit 3 to the Discovery Motion which was filed under seal.

DATED this 9th day of January, 2023.

DORSEY & WHITNEY LLP

/s/ Tamara L. Kapaloski

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of January, 2023, a true and correct copy of the foregoing document was served on counsel of record via the Court's CM/ECF system:

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/s/ Tamara L. Kapaloski